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HOUSE BILL 1236

43RD LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 1997

INTRODUCED BY

DELORES C. WRIGHT

AN ACT

RELATING TO HUNTING; AMENDING AND REPEALING SECTIONS OF THE NMSA
1978 AND LAWS 1996 PERTAINING TO OUTFITTERS AND GUIDES;
DECLARING AN EMERGENCY.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

Section 1. Section 17-3-16 NMSA 1978 (being Laws 1964 (1st
S.S.), Chapter 17, Section 7, as amended) is amended to read:

"17-3-16. FUNDS--SPECIAL DRAWINGS FOR LICENSES. --[A.] The
director of the department of game and fish may provide special
envelopes and application blanks when a special drawing is to be
held to determine the persons to receive licenses. Money
required to be submitted with these applications, if enclosed in
the special envelopes, need not be deposited with the state
treasurer but may be held by the director until the successful
applicants are determined. At that time, the fees of the

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1 successful applicants shall be deposited with the state
2 treasurer and the fees submitted by the unsuccessful applicants
3 shall be returned to them.

4 ~~[B.—Beginning with the licenses issued from a~~
5 ~~special drawing for a hunt code on public lands that commences~~
6 ~~on or after April 1, 1997:~~

7 ~~(1) seventeen percent of the licenses shall be~~
8 ~~issued to nonresidents. Except for antelope and javelina~~
9 ~~licenses, each nonresident applicant shall, at the time of~~
10 ~~submission of the application for the license, sign the~~
11 ~~application and identify the registration number of the New~~
12 ~~Mexico registered outfitter who will be used with the hunting~~
13 ~~party that includes the nonresident. The nonresident shall be~~
14 ~~required to contract for outfitting services with the New Mexico~~
15 ~~registered outfitter identified in the application. Except for~~
16 ~~antelope and javelina licenses, the nonresident shall not be~~
17 ~~allowed to hunt with a license issued from a drawing for a hunt~~
18 ~~on public lands without utilizing and being physically~~
19 ~~accompanied on the hunt by the New Mexico registered outfitter~~
20 ~~identified in the application, or one of that outfitter's~~
21 ~~guides; provided, however, that this requirement shall not apply~~
22 ~~to lands under the control of the federal military if the~~
23 ~~military objects to it. In a hunt covered by this paragraph~~
24 ~~that requires a New Mexico registered guide, there shall be at~~
25 ~~least one New Mexico registered guide or outfitter accompanying~~

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1 ~~every four or fewer nonresident hunters;~~

2 ~~(2) three percent of the licenses shall be~~
3 ~~issued to individuals listed on an application where at least~~
4 ~~two of the applicants are residents and no more than two of the~~
5 ~~applicants are nonresidents. Each resident must be a New Mexico~~
6 ~~resident for at least one year prior to submitting the~~
7 ~~application. Nonresidents listed on such applications shall not~~
8 ~~be required to utilize the services of a registered New Mexico~~
9 ~~guide or outfitter, provided the nonresidents are physically~~
10 ~~accompanied on the hunt for that hunt code by the residents~~
11 ~~listed on the application; and~~

12 ~~(3) eighty percent of the licenses shall be~~
13 ~~issued to residents of New Mexico.~~

14 ~~C. If the number of nonresidents who apply for~~
15 ~~licenses pursuant to the provisions of Paragraphs (1) and (2) of~~
16 ~~Subsection B of this section does not constitute the allocated~~
17 ~~percentages identified in those provisions for a hunt code, then~~
18 ~~all of the nonresident applicants shall be granted licenses, and~~
19 ~~the remainder of the licenses shall be made available to~~
20 ~~residents for the special drawing for that hunt code.~~

21 ~~D. If the determination of seventeen percent or~~
22 ~~three percent in Paragraphs (1) and (2) of Subsection B of this~~
23 ~~section yields a fraction of:~~

24 ~~(1) five tenths or greater, the number of~~
25 ~~licenses to be issued shall be rounded up to the next whole~~

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1 ~~number; and~~

2 ~~(2) less than five tenths, the number of~~
3 ~~licenses shall be rounded down to the next whole number.~~

4 ~~E. The fee for a nonresident license for a special~~
5 ~~drawing in a high demand hunt covered in Subsection B of this~~
6 ~~section shall be assessed at the same rate as a license for~~
7 ~~nonresident quality elk or quality deer. As used in this~~
8 ~~subsection, "high demand hunt" means:~~

9 ~~(1) a hunt where the total number of~~
10 ~~nonresident applicants for a hunt code in each unit exceeds~~
11 ~~twenty percent of the total applicants based on data for the two~~
12 ~~immediately preceding years; or~~

13 ~~(2) an additional hunt code designated by the~~
14 ~~department as a quality hunt.]"~~

15 Section 2. REPEAL. --

16 A. Sections 17-2A-1 through 17-2A-3 NMSA 1978 (being
17 Laws 1996, Chapter 89, Sections 3 through 5) are repealed.

18 B. Laws 1996, Chapter 89, Sections 2 and 6 through 8
19 are repealed.

20 Section 3. EMERGENCY. -- It is necessary for the public
21 peace, health and safety that this act take effect immediately.